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REMARKS

Claims 1 - 15, 26 - 61 and 67 - 70 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1 - 15, 26 - 61 and 67 - 70 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. (See 5/4/07 Office Action, ¶ 4). In particular, the Examiner contends that the specification does not sufficiently describe the "busyness metric" recited in independent claims 1, 60, 67 and 68. (Id. at ¶ 5).

As described in the specification as originally filed, the point of sale (POS) system of the present invention may recognize a period of time when the POS system is busier than other periods of time. (See Specification, p. 32, lines 27 - 30). Furthermore, busyness may be determined when a *characteristic metric* of the POS system crosses a predetermined threshold. (Id. at p. 33, lines 2 - 6). Therefore, the characteristic metric is indicative of the busyness of the POS system. That is, the characteristic metric is, by definition, a busyness metric. Thus, respectfully submitted that the specification provides an adequate written description of the busyness metric recited in claims 1, 60, 67 and 68. Accordingly, the rejection of claims 1 - 15, 26 - 61 and 67 - 70 under 35 U.S.C. § 112 should be withdrawn.

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CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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